

**REMARKS**

This Amendment is responsive to the Office Action identified above, and is responsive in any manner indicated below.

**PENDING CLAIMS**

Claims 46-60 were pending in the application at the time of the Office Action, under consideration and subject to examination. Unrelated to any prior art rejection, appropriate claims have been deleted. The cancellation of such claims is unrelated to any prior art or scope adjustment, and are simply to refocus the application to the claims in which Applicant is presently interested. Applicant does not disclaim any of the scope or subject matter of such claims, and explicitly reserves all rights to file any appropriate continuing applications directed to the scope and limitations of such claims. At entry of this paper, Claims 55-60 remain pending for further consideration and examination in the application.

**REJECTIONS UNDER 35 USC §103- OBVIATED VIA CLAIM CANCELLATION**

Claims 46-54 were variously rejected under 35 USC §103 as being unpatentable over Kramer *et al.* (US 4,667,088)\*, Mita *et al.* (US 5,081,672), Junguji (US 4,847,840), Hyatt (US 5,339,275), Kasuga (US 4,542,369), Samph *et al.* (US 5,204,813) and Koenk (US 4,737,702).

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are

respectfully traversed, and most particularly, Applicant traverses all statements made by apparently judicial (Examiner) notice in the Office Action in support of the art rejections to assert that certain claimed features were well known in the art, *i.e.*, without providing actual supportive references for such assertion. With regard to such assertion of apparent judicial (*i.e.*, Examiner) notice of common knowledge or well-known prior art, attention is directed to MPEP §2144.03 which states, "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position."

Despite the above strong traversals of the rejections of the claims and the unsupported allegations made by judicial notice, the present cancellation of the rejected claims (without prejudice or disclaimer) to move Claims 55-60 to immediate allowance, has rendered such any traversal arguments obsolete at this time. Accordingly, further discussions/arguments may best be left for any future applications and/or litigation.

The above statements and/or the cancellation of claims should not be taken as any indication or admission that the art is relevant in any manner, but is merely use of a procedural approach to expedite allowance of the present application.

Based upon the above, reconsideration and withdrawal of all such rejections under 35 USC §103 are respectfully requested.

(\*The patent number given in Office Action is wrong.)

#### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that all prior art-rejected claims now have been cancelled without prejudice or disclaimer of any scope or subject matter, and in view of the fact

that all remaining claims already have been allowed, it is respectfully submitted that all pending claims are now in condition for allowance, and a Notice of Allowance with respect to the present application is respectfully requested.

### EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local DC area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

### CONCLUSION

This Amendment is being filed within the shortened statutory period for response to the outstanding Office Action, and therefore, no Petition or fee is required. To whatever other extent is actually necessary and appropriate, Applicant respectfully petitions for an extension under 37 CFR §1.136. Please charge any deficiencies in appropriate fees to ATS&K Deposit Account No. 01-2135 (as Order No. 500.31310CX2).

Respectfully submitted,



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